

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Realtime Data, LLC d/b/a IXO

Plaintiff,

v.

Morgan Stanley, et. al, CME et. al, Thomson Reuters

Defendants.

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Civil Action Nos. 1:11-CV-6696  
1:11-CV-6697  
1:11-CV-6698

**DECLARATION OF RONALD S. INDECK, Ph.D.**

I, Ronald S. Indeck, Ph.D., declare under penalty of perjury under the laws of the United States of America that the following is true and correct:


1. I am over the age of 21 and have personal knowledge of the matters stated herein.
2. I work for Exegy Incorporated (“Exegy”). My current title is Founder, Director, and Technology Advisor. Previously, I had served as Exegy’s Founder and Chief Technology Officer.
3. I have reviewed the subpoena issued by Plaintiff Realtime Data, LLC d/b/a IXO (“Realtime”) in the above-captioned lawsuit. I am familiar with the topics on which Realtime has requested testimony and document production. The universe of responsive documents consists primarily of source code.
4. The source code that was requested in the subpoena is located in Missouri. Exegy has no employees familiar with this source code who reside or regularly work in the State of New York or within 100 miles of New York City.
5. Exegy has not yet identified the Exegy employee best-suited to testify about the topics listed in the subpoena, however, all likely deponents reside in St. Louis, Missouri, and are employed at Exegy’s corporate headquarters in St. Louis, Missouri.

6. Although Exegy has a registered agent in the State of New York, it does not maintain a physical corporate presence in the State of New York.

7. To produce the source code requested by the subpoena, Exegy must take two of its managers away from their normal job duties and ask them to spend two weeks (approximately 80 hours) identifying and extracting the source code and preparing it for production. Additionally, complying with the subpoena will demand between 4-6 hours of executive time spent coordinating and overseeing the production.

8. The total cost of this above endeavor will be in excess of \$24,000 (excluding Exegy's attorneys' fees), based on the normal billing rates of the personnel who will be involved in the production.

Dated: May 11, 2012  
St. Louis, Missouri

  
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Ronald S. Indeck, Ph.D.